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EXAMINER

NGUYEN, PHUOC H

ART UNIT PAPER NUMBER

2143

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/588,344

Filing Date: June 07, 2000

Appellant(s): AOKI ET AL.

Yasuharu AOKI, et al.
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed on December 15, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-3, 5-8, 10-22, 24, 28, and 33 in view of Jebens, the claims do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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For the obviousness rejection of claim 23 in view of Jebens and Aldus, claim 23 stands alone.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,252,878	Locklear, Jr. et al.	6-2001
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6,370,656	Olarig et al.	4-2002
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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-8, 10-22, 24, 28, and 33 rejected under 35 U.S.C. 102. Claim 23 rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on December 13, 2003.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,5-8,10-22,24,28, and 33 rejected under 35 U.S.C. 102(e) as being anticipated by Jebens et al. U.S. Patent 6,321,231.

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3. Referring to claim 1, and 6, Jebens reference disclose the server device constantly monitors prescribed folders in the server device (Figures 10A, and 10B; col. 18, lines 55-56); and when existence of a command file which instructs execution of a designated process is recognized in the prescribed folders, the process instructed by the command file is performed (eg. translation process is considered to be a command file. Decompression a compress files with multiple formats such as TIFF or CT is considered to be a command file. Decompression algorithm are different for different format) (col. 9 lines 61 through col. 10 lines 37; col. 18, lines 55-66; and col. 19, lines 14-35).

4. Referring to claims 2, and 7, Jebens reference disclose the client device transfers the command file (user drops files on transport folder) to the server device (Figures 10A, and 10G; col. 22; lines 43-66).

5. Referring to claims 3, and 8, Jebens reference disclose the client server system configures an OPI system (Figure 4C; col. 10, lines 53-56), which creates low resolution image data for editing from high resolution image data, performs an editing operation by using the low resolution image data, and replaces the low resolution image data with the high resolution image data at the time of output, and the command file commands execution of a designated process which is performed in the OPI system (Figures 1, and 4C; col. 5, lines 11-35).

6. Referring to claims 5, and 10, Jebens reference disclose the client device performs the editing operation (col. 5, lines 15-35).

7. Referring to claim 21, Jebens reference disclose the client device copies the command file to the server device (Figures 10, and 10G).

8. Referring to claim 22, Jebens reference disclose command file comprises authentication information comprising a request to manage the prescribed folders (Figures 2, 10C, 10D, 10F, and 10G; col. 11 lines 22-40).
9. Referring to claim 24, Jebens reference disclose a file name of corresponding high resolution image data, a data location path of the high resolution image data, a folder ID of the prescribed folder in which the high resolution image is stored, and a format information of the high resolution image data (col. 2, last paragraph though col. 3, 1st paragraph; and col. 8, 2nd paragraph; col. 10 lines 18-30; col. 19 lines 30-34; and col. 20 lines 55-58).
10. Referring to claim 28, Jebens reference disclose an OPI daemon of the server device constantly monitors the prescribed folders of the server device (col. 10, lines 18-37; col. 18, lines 55-66; and col. 19, lines 14-35).
11. Referring to claim 33, Jebens reference disclose the client device is a processor (Figure 1, 12) and the client provides the command file to the server device (Figure 10A).
12. Referring to claims 11, and 16, Jebens reference disclose a folder monitoring device to monitor prescribed folders in the server device (Figures 10A, and 10B; col. 18, lines 55-56); and a file transfer device to transfer a command file which instructs execution of a designated process to the prescribed folders monitored by the folder monitoring device, a process performing device to perform a process instructed by the command file on the server device when the command file is recognized in the prescribed folders (col. 10, lines 18-37; col. 18, lines 55-66; and col. 19, lines 14-35).

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13. Referring to claims 12, and 17, Jebens reference disclose a data replacing device to replace low resolution image data for editing created from high resolution image data with the high resolution image data (Figures 1, and 4C; col. 5, lines 11-35).

14. Referring to claims 13, and 18, Jebens reference disclose the client server system configures an OPI system, which creates low resolution image data for editing from high resolution image data, performs an editing operation by using the low resolution image data, and replaces the low resolution image data with the high resolution image data at the time of output, and the command file instructs execution of a designated process which is performed in the OPI system (Figures 1, and 4C; col. 5, lines 11-35).

15. Referring to claims 14, and 19, Jebens reference discloses the client device performs the editing operation (col. 5, lines 15-35).

16. Referring to claims 15, and 20, Jebens reference discloses the server device replaces the low resolution image data with the high resolution image data at the time of output (Figures 1, and 4C; col. 2 lines 64-68; col. 3 lines 1-10; col. 5, lines 11-35).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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18. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens in view of Aldus Corporation, "OPITM Open Prespress Interface Specification", 22 September 1993, pages 5-15.

Jeben reference disclose an OPI system; however, Jeben reference fail to teach the OPI system comprises Postscript comments.

Aldus Corporation reference discloses the OPI system comprises Postscript comments (page 6).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Aldus Corporation's teaching into Jebens's method to include the Postscript comments in OPI system to allows a page-layout program to use low or medium resolution TIFF images for substitute a high resolution TIFF or other image when the final image data are generated to minimize network traffic and image storage requirements.

(11) Response to Argument

Appellant has chosen to group the claims into 7 groups for argument:

Group 1: Claims 1, 2, 6, 7, 11, 12, and 17 stand or fall together.

Group 2: Claims 3, 5, 8, 10, 13, 14, 18, and 19 stand or fall together.

Group 3: Claims 15 and 20 stand or fall together.

Group 4: Claim 22 stands or fall alone.

Group 5: Claim 24 stands or fall alone.

Group 6: Claim 28 stands or falls alone.

Group 7: Claim 23

Regarding to Group 1, argument 1 pages 6-7 of the Appeal Brief are directed to claims 1 and 6.

Appellant argues that the examiner improperly cites the same element in the prior art for teaching different structural limitations of the claims. In particular, the Examiner cited the image document for teaching the command file of claims 1 and 6, then later cited the image document for teaching the low resolution image data of claims 3 and 8.

The examiner respectfully submits that the applicant has misinterpreted the citations in the prior art. Rather cited a particular line in the prior art, the examiner generally cites three difference columns and lines (col. 10 lines 18-37, col. 18 lines 55-66, and col. 19 lines 14-35) for different limitations in claims. As clearly and logically seen col. 19 lines 27-35, the examiner intends to show the digital image file as the claimed command file because the digital image file must include an instruction/direction/command which passively instruct the hot-folding

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software to decompress the digital image file properly by selecting one of several predetermined compression settings. In another words, the hot-folding software must determine a type of compression (e.g. TIFF, JPEG, GIF...) by looking at the header or format of the digital image file. Therefore, the digital image file must contain some sort of instruction/direction/command to passively instruct the hot-folding software to execute the right format of decompression. Later, the examiner also cites the same columns and lines for teaching the low resolution image data because the examiner intends to show the compressed digital image file cited in the same columns and lines is the low resolution image data. Depending on type of compression, when image is compressed it losses its integrity of original resolution due to lossy technique for saving bandwidth. To generalized, cited col. 19 lines 14-35 support teaching of claimed command file by passively instructing the hot-folding software to execute decompressing and wherein the same columns and lines also support teaching of claimed low resolution image by compression.

Regarding to Group 1, argument 2 page 7 of the Appeal Brief are directed to claims 1 and 6.

Appellant argues that Jebens does not disclose a command file which instructs execution of a designated process. Jebens image data does not instruct execution of a designated process in the prescribed folder nor is a process performed based on instructions by the image data, as described in the claim invention.

In addition to the above explanation, the cited reference by Jebens also clearly discloses in Figures 10A-10B the digital image file/document must have an instruction/direction/command file. Figure 10A (col. 18 lines 42-63) shows the operation of client side wherein if a file is

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detected in a predetermined destination folder, the hot-folding software will automatically compress the file per predetermined compression setting and transmit to the server side. Figure 10B (col. 10 lines 27-52) shows the operation of server side wherein upon receiving the file, the hot-folding software will automatically decompress by monitoring incoming folder, stores it in an appropriate predetermined receiving folder, and post-processing by autolog server whenever it is free to process the file (e.g. col. 18 lines 27-35). To generalize, the digital image file/document in Figures 10A-10B must also include a command file which direct, instruct, or command the hot-folding software system to do the following: first, the file must have a command to passively instruct or tell the compression format to the automated software so the software can select appropriate decompression format (e.g. col. 9 lines 60-68 and col. 10 lines 1-10); second, the file must have a command to instruct or tell the automated software where to store in the receiving folders (e.g. col. 19 lines 27-33 and Figure 10B box with label hot-folder store and folder server).

Regarding to Group 2, argument pages 7-8 of the Appeal Brief are directed to claims 3 and 8.

Appellant argues that Jebens does not disclose a command file which commands execution of a designated process which is performed in an OPI system. There is no indication of an OPI system or that a command file commands execution of a designated process in an OPI system.

The examiner respectfully submits that the cited reference by Jebens clearly discloses digital image file which has command file is performed in an OPI system as seen in Figure 4C

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(e.g. part 232) and column 10 lines 57-68. As clearly disclosed in reference, whenever a new image file is received from user, the OPI file is created by the autolog server (e.g. col. 10 lines 61-63). The process of creating OPI file for the image file by the autolog server is considered as an OPI system.

Regarding to Group 3, argument page 8-9 of the Appeal Brief are directed to claims 15 and 20.

Appellant argues that Jebens does not disclose a server device which replaces low resolution image data with high resolution image data at a time of output.

The examiner respectfully submits that the cited reference by Jebens clearly discloses the server replaces low resolution image data with high resolution image data at a time of output in column 2 lines 64-68 and column 3 lines 1-10. The server stores low and high resolution of same images in an electronically searchable format and allow a first user to modify or edit document with low resolution images. Once the second user requests for the same document from the first user, automatically the server route the document along with high resolution image to the second user for publication (e.g. col. 3 lines 7-10).

Regarding to Group 4, argument page 9 of the Appeal Brief are directed to claim 22.

Appellant argues that Jebens does not disclose a command filed which comprises authentication information comprising a request to manage prescribed folders. The system

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requests authentication information from a user before a user can log on the system, the image data itself does not comprise authentication information.

The examiner respectfully submit that cited reference by Jebens clearly discloses a command filed which comprises authentication information comprising a request to manage prescribed folders in column 11 lines 22-40. Refer to figure 2, each user 14 is assigned a unique prefix code and this prefix code is used to secure the file stored in the database management system from unauthorized access. This authorization scheme is used by the host system 10 in conjunction with the login routine to provide a user discriminator for discriminating between users communicating with the system to control user access to the digital data stored on the database management system.

Regarding to Group 5, argument page 10 of the Appeal Brief are directed to claim 24.

Appellant argues that Jebens does not disclose low resolution image data comprising a file name, data location path, folder ID and format information.

The examiner respectfully submit that cited reference by Jebens discloses a system which capable of storing high and low resolution digital images and providing a centralized database that can be search and modified by authorized user. Authorized user can accessed to these images by defining the search parameter such as filename of a desired file or an image ID of a particular stored image (column 20 lines 55-58). Jeben further discloses an image database is adapted to store the high and low resolution images and providing the information about the storing image files such as pathname which allows the authorized user to use the pathname to

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locate the image file (column 8 lines 12-18; and column 9, lines 30-36). Even though, the cited reference by Jebens does not disclose or use the term “data location path”, the examiner interprets “data location path” is the pathname which can be used to locate the stored image file. Although Jeben does not explicitly disclose the folder ID; however, Jeben discloses upon receiving the digital image file, decompression and routing to the appropriate receiving folder (column 19 lines 30-34). It is inherently that the appropriate receiving folder is containing the folder name, or ID, etc. Jeben further discloses the image data to be stored pursuant to a preset, user defined, compression value such as TIFF (tagged image file format), CT (Scitex continuous tone), or JPEG (Joint Photographic Experts Group) (column 10 lines 18-30). TIFF, CT, or JPEG is the image file format information.

Regarding to Group 6, argument page 10 of the Appeal Brief are directed to claim 28.

Appellant argues that Jebens does not disclose an OPI daemon of a server device constantly monitors prescribed folders of the server device.

The examiner interprets an OPI daemon as an automated process which constantly monitoring and executing instructions. Even though, the cited reference by Jebens does not disclose or use the term “OPI daemon”, but the cited reference clearly discloses in column 19 lines 30-45 an automated process which constantly monitoring the receiving folder and executing the files including updating the autolog, recording new images, generating thumbnail of images, and other special OPI processes. This automated process is called or considered as an OPI daemon.

Regarding to Group 7 of the Appeal Brief are directed to claim 23 should be deemed patentable by virtue of its dependency to independent claims.

Since group 7 is dependency under groups 1 and 2; therefore, the response to the argument is the same rationale as groups 1 and 2 above.

In summary, the references can and should be combined in the manner noted in the rejection shown above.

Referring to Group 1, claims 2, 7, 12, and 17 are dependent on claims 1, 6, 11, and 16 respectively and thus are not patentable at least for the reasons set forth above.

Referring to Group 2, claims 5, 10, 14, and 19 are dependent on claims 3, 8, 13, and 18 respectively and thus are not patentable at least for the reasons set forth above.

Referring to Group 3, claims 15 and 20 are not patentable at least for the reasons set forth above.

Referring to Group 4, claim 22 is not patentable at least for the reasons set forth above.

Referring to Group 5, claim 24 is not patentable at least for the reasons set forth above.

Referring to Group 6, claim 28 is not patentable at least for the reasons set forth above.

Referring to Group 7, claim 23 is not patentable at least for the reasons set forth above.

Therefore, claims 1-3,5-8,10-24,28, and 33 remain/stand rejected as shown above.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

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